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| 10/686,531 | 10/16/2003 | Gerald Duhamel | 14296-17 | 4017 |
| 77130 7590 06/09/2008 LABTRONIX CONCEPT C/O BENOIT & CO INC. 2025 LIMOGES LONGUEUIL, QC J4G 1C4 CANADA | | | | |
| EXAMINER HYLINSKI, STEVEN J | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3714 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/686,531

Applicant(s)

DUHAMEL ET AL.

Examiner

STEVEN J. HYLINSKI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Applicant claims priority to provisional applications 60/418,369, filed 10/16/2002, and also to 60/494,571, filed 08/13/2003. Examiner has reviewed 60/418,369 and does not find support for claims 44-46. 60/494,571 does support the claims. Hence, claims 44-46 are awarded the priority date of 08/13/2003.

Claim Objections

2. Claim 44 is objected to because of the following informalities: The grammatically erroneous phrase "therefore for therefore" is present on lines 7-8 of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 44-45 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2004/0266533 to Gentles et al.

Re Claim 44,

Gentles discloses a method of playing an electronic game comprising the steps of on a gaming terminal, receiving from a player a play request for play of an electronic game (as shown in Fig. 1, player **40** can utilize the gaming terminal(s) **12**, using the access control apparatus **25**), receiving from a server an encapsulated variable-size data structure in response to said play request (Paragraphs 53-54, encapsulated game data is sent over network **20** from the gaming server **28** to gaming machines **22**, where the encapsulated data must subsequently be analyzed, ie. decoded); analyzing the content of the encapsulated variable-size data structure, for therefore identifying data representative of a play of a primary outcome, and if present data representative of a play of a secondary outcome (Paragraph 54 discloses that the encapsulated game data sent through the secure tunnel from the server to the gaming terminal can include the game outcomes, which can include base and bonus games as acknowledged in Paragraph 13), providing a play sequence in correlation with the data representative of the play of the primary outcome and a primary outcome value (Paragraph 13, gaming terminals can provide base games, based on the encapsulated game data sent from the sever to the terminals as disclosed in Paragraphs 53-54); and if data representative of the play secondary outcome is present, providing a subsequent game sequence for each secondary outcome each providing a secondary outcome value (Paragraph 13, gaming terminals can provide bonus gaming, based on the encapsulated bonus game data sent from the sever to the terminals as disclosed in Paragraph 54); and providing the sum of primary and secondary outcome values to the player, the primary and secondary outcome values summing up to the outcome value (Paragraph 54 discloses

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that the encapsulated data sent through the secure tunnel may include game outcomes, which can be for base and/or bonus games).

Re Claim 45,

Gentles discloses that it is well-known to augment base games conducted on gaming terminals by providing bonus game play over the network. The relevant sections of paragraph 13 below are bolded for emphasis.

[0013] **The server-based gaming networks typically include a number of gaming terminals, communicatively coupled via a dedicated (i.e., non-public) communication network to one or more server(s).** Because of their versatility, **server-based gaming networks enable a gaming proprietor (e.g., Harrah's) to augment the traditional "base" game play with enhancements such as community progressive games, community bonus games, tournaments, etc.** Server-based gaming network configurations also enable access to all types of gaming terminal data including gaming terminal performance data, player tracking data, accounting data, security data, and maintenance data, to name a few.

Triggering a bonus game from a base game play, ie. a base game outcome, constitutes modifying the game representation after the base game outcome, and before the secondary (ie. bonus) outcome.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gentles in view of OFFICIAL NOTICE.

Re Claim 46,

The same inventive concept is discussed in the rejection of claim 44 above, as being anticipated by Gentles. As discussed above, Gentles discloses the gaming machines **22** of his invention making use of both base and bonus games, the outcomes of which can be controlled by a server **28**. Gentles also discloses in Paragraph 13 that bonus games can be used to augment base games. However, Gentles is silent on a trigger outcome from the base outcome determining how many secondary outcomes are to be provided to the player.

It is notoriously old and well-known that predetermined outcomes in electronic casino gaming machine base outcomes can determine the type or amount of secondary or bonus outcomes to provide to a player. An extremely common example is for the pay table of a slots base game to determine how many bonus credits, how many bonus rounds, etc the player receives based on what predetermined bonus-triggering combination results from playing the base slot reel game.

One of ordinary skill in the art, at the time the invention was made, would have found it obvious to combine Gentles' gaming machine having bonus games triggered from base games, with OFFICIAL NOTICE teaching that it is very well-known for the number of bonus games triggered from a base game to be dependent on the predetermined symbol combination based on a pay table, because Gentles' gaming machines would be capable of using a pay table to determined the occurrences of

bonus games triggered from a base game, and such a combination would yield results predictable to one of skill in the art.

Examiner's note: Although the reference of Gentles is used above because gaming instructions and outcomes, sent through a secure tunnel and used to control remote gaming terminals using a server, anticipate the claims, it should also be noted that the above claims also appear to read on packetized data transfer between a central controller and gaming terminals, using such extremely common protocols as TCP/IP. As used in casino gaming networks, TCP/IP connections send encapsulated data packets containing predetermined game outcomes, including base and bonus games, from a central controller to gaming terminals, where the packets are read and decoded.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and is included in the attached Notice of References Cited. Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN J. HYLINSKI whose telephone number is (571)270-1995. The examiner can normally be reached on M-Thurs. 7:00a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Primary Examiner, Art Unit 3714

/Steven J Hylinski/
Examiner, Art Unit 3714